

(to be substituted bearing same number and date)

HEALTH DEPARTMENT

The 12th September, 1980

No. 30/14/5HBIII-80.—Whereas it appears to the Governor of Haryana that land specified below is needed by the Government at public expense, for a public purpose, namely, for the extension of Civil Hospital at Rewari. District Mohindergarh, it is hereby notified that land in the locality specified below is to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the officers with their servants and workmen for the time being engaged in the undertaking, to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this notification, in the official Gazette, file an objection in writing before the Land Acquisition Collector, Rewari.

The plans of the land may be inspected in the office of Chief Medical Officer, Mohindergarh/ Land Acquisition Collector, Rewari.

SPECIFICATION

District	Tehsil	Town	Area in Acres	Boundary
Mohindergarh	Rewari	Rewari H.B. No. 12	0.72	A Triangular plot of land 3,489 Sq. Yard in area lying in between the northern boundary of the Civil Hospital, Rewari and south-eastern border of the circular Road (in front of Jain High School, Rewari) and Western boundary of the Wakf Board land as demarcated at site.

S. K. JAIN,

Secretary to Government, Haryana,
Health Department.

LABOUR DEPARTMENT

The 11th May, 1981

No. 9(1)-81-8Lab./4962.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Laxmi Engineering and Woollen Industries, Industrial Area, Panipat.

BEFORE SHRIM. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 117 of 1979

between

S/SHRI KAMTA PARSAD, SHRI RAM KARAN, SAGIR AHMAD, MAYIRAM, DHARAM
PAUL, NARESH KUMAR, MAHOOL, JAGDISH AND JAGDISH CHANDER WORKMEN
AND THE MANAGEMENT OF M/S LAXMI ENGINEERING AND WOOLLEN INDUSTRIES
INDUSTRIAL AREA PANIPAT

Present

Shri Raghubir Singh for the workman.

Shri S. K. Kaushal, for the management.

AWARD

By order No. KNL 15-79/14829, dated 30th March 1979 the Governor of Haryana, referred the following dispute between the management of M/s. Laxmi Engineering and Woollen Industries, Industrial Area, Panipat and its workmen named above, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 the Industrial Disputes Act, 1947 :—

Whether the following workmen should be re-employed. If so, with what details ?

- | | |
|-------------------------|----------------------|
| 1. Shri Kamta Parsad | 2. Shri Ram Karan |
| 3. Shri Sagar Ahmad | 4. Shri Mayi Ram. |
| 5. Shri Dharam Paul | 6. Shri Naresh Kumar |
| 7. Shri Mohfool | 8. Shri Jagdish |
| 9. Shri Jagdish Chander | |

On receipt of the order of reference, notices were issued to the parties. the parties appeared and filed their pleadings. On the pleadings of the parties, followings issues were framed

1. Whether the written statement is not signed by proper person? If so to what effect?
2. Whether the present reference is not an Industrial dispute and the reference is not competent?
3. Whether the espousal of the industrial dispute is proper ?
4. Whether the following workmen should be re-employed ? If so, with what details ?

- | | |
|--------------------------|-----------------------|
| 1. Shri Kamra Parsad. | 2. Shri Ram Karan. |
| 3. Shri Sagir Ahmad. | 4. Shri Mayi Ram. |
| 5. Shri Dharam Paul. | 6. Shri Naresh Kumar. |
| 7. Shri Mahfool. | 8. Shri Jagdish. |
| 9. Shri Jagdish Chander. | |

And the case was fixed for the evidence of the workmen, who examined Shri J. P. Srivastava, Assistant office of the Labour Commissioner, Haryana, Chandigarh as WW-1 and closed their case on issues No. 2 and 3. Then the case was fixed for the evidence of the management, who did not adduce any evidence and closed their case on preliminary issues. Arguments were heard. Now I give my finding on issues No. 2 and 3 as follows :—

Issues No. 2 and 3.—

WW-1 stated that he had brought the demand notice dated 3-10-1978 served upon the management which was Ex. W-1. He had also brought letter of authority Ex. W-2. He further stated that according to the objective review the strength of the workmen in the factory was shown as 30 on 3-10-1978. In cross-examination he stated that no resolution was received in the office regarding authorisation of the union. The letter of authority was in form F the under Industrial Disputes Act.

The representative for the workmen argued that in the demand notice para I the authority was referred. He further argued that the letter of authority Ex. W-2 was under section 36 of the Industrial Disputes Act and thus the demand was properly raised. He also argued that the onus to prove espousal should have been placed on the management as held in 1963 ILLJ page 231. On the other hand the representative for the management argued that no workmen or officer of the union had come in the witness box to prove espousal of the demand. Form F was only a power of attorney to represent before the Labour-cum-Conciliation Officer and was not an espousal of the demand. As regards the objection on onus he stated that it was for the party to object an onus at the time of framing of the issues. He further argued that Industrial Tribunal was a special court and it was for the party invoking its jurisdiction to prove the same.

I have gone through the pleadings and documents and find that Ex. W-2 was form F

filed before the Labour Officer -Cum-Conciliation Officer Panipat. His authority is as under :—

We the employed persons hereby authorise Shri Ram Lochan Misra, Jai Pal and Raghubir Singh an official of Engineering and Textile Workers Union Panipat which is a Registered union to appear and act on our behalf in the above dispute: —

Signature of the employees

1. Sd.

2. Sd.

3. Sd.

etc.

I accept the authorisation

Dated 3rd October, 1978.

(Sd.) . . .

JAI PAL,

Signature of the official of
Registered Trade Union.

Demand notice Ex. W—1 is signed by Shri Jai Pal only. The burden of proving a fact rests on the party who substantially asserts affirmative of the issue and not upon the party who denies it, for a negative is usually incapable of proof. The workmen have failed to prove that the dispute in question was sufficiently and properly sponsored or espoused by their union or a substantial number of workmen. They did not produce a copy of resolution or proof of a meeting of substantial number of workmen adopting espousal of the cause before raising the present demand. So much so even office bearers of the union or signatories of the demand notice or form F did not appear in the witness box. As regards Ex. W-2 it is under rule 36 of the Industrial Disputes (Punjab Rules) which runs thus: —

Representation of parties: —The authority in favour of a person or persons to represent at workman or group of workmen or an employer in any proceeding under the Act shall be in form F.

Therefore, this document is not a substantive proof of the espousal of demand. It is like power of attorney only to appear and represent before the authority under the Industrial Disputes Act. In these circumstances, I hold that the workmen have failed to prove espousal of their demand by a substantial number of workmen thereby not making the reference as an Industrial Dispute. I decide these issues accordingly.

The case of the workmen fails on issues No. 2 and 3, therefore, they are not entitled to any relief in this reference. I answer the reference in these terms.

Dated 26th February, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 211 dated the 25th February, 1981

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)-81-8Lab/4989.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Bermaco Fabricators (Valves Division) Sector 6, Faridabad.

**BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 202 of 1979

between

**SHRI SHIV NATH, WORKMAN AND THE MANAGEMENT OF M/S BERMACO
FABRICATORS (VALVES DIVISION), SECTOR 6, FARIDABAD**

Present :—

Shri S. R. Gupta, for the workman.

Shri R. G. Sharma, for the management.

AWARD

By order No. 39-79/31383, dated 10th July, 1979, the Governor of Haryana referred the following dispute between the management of M's. Bermaco Fabricators (Valves Division), Sector 6, Faridabad, and its workman Shri Shiv Nath, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Shiv Nath was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 8th November, 1979, and the case was fixed for the evidence of the management. On the last date of hearing the workman stated that he had received Rs. 1,200/- from the management in full and final settlement of his claim and he shall have no right for reinstatement or re-employment.

In view of the statement given by the workman, I give my award that the dispute has been settled between the parties and the workman had received Rs. 1,200/- from the management in full and final settlement of his dispute.

Dated 2nd April, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 370, dated 23rd April, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)-81-8Lab./4991.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Rajindra Paper Mills, N.I.T., Faridabad :—

**BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 30 of 1979

between

**SHRI BABBAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S. RAJINDERA PAPER
MILLS N.I.T., FARIDABAD**

Present:—

Shri S. R. Gupta, for the workman.

Shri S. L. Gupta, for the management.

AWARD

By order No. 1/11/165-78/2193, dated 11th January, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Rajindra Paper Mills, Faridabad. N. I. T. and its workman Shri Babban Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the dismissal of Shri Babban Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed and the case was fixed for the evidence of the management who examined Shri H. L. Kapoor as MW-1 and closed their

case. Then the case was fixed for the evidence of the workman, who examined himself as WW-1 and closed his case. Then the case was fixed for Arguments. But on the last date of hearing the representative for the management stated that a settlement had been arrived at between the parties. The settlement was Ex. M-1 and according to the settlement the management paid a sum of Rs. 1,500 to the workman in full and final settlement forgoing his all claims. The workman also stated that he had received Rs. 1,500/- from the management in full and final settlement of his claim and shall have no right for reinstatement and re-employment.

In view of the statements given by the parties, I give my award that the dispute has been settled between the parties and the workman had received a sum of Rs. 1,500 from the management in full and final settlement of his claim. The workman shall have no right for reinstatement and re-employment if any.

M. C. BHARDWAJ,

Dated 2nd April, 1981.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 371, dated 23rd April, 1981

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 19th May, 1981

No. 9(1)-81-8Lab/5232.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. M. S. Enterprises 5-D/107, N.I.T., Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 465 of 1980

between

SHRI MUNNA LAL, WORKMAN AND THE MANAGEMENT OF M/S M. S. ENTERPRISES
5-D/107 N. I. T., FARIDABAD

Present :

Shri R. L. Sharma, for the Workman.

Shri M. S. Sharma for the management.

AWARD

This reference No. 465 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana, — vide his order No. ID/FD/91-80/52852, dated 10th October, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Munna Lal, workman and the management of M/s M. S. Enterprises 5-D/107, N. I. T., Faridabad. The term of the reference was :—

Whether the termination of services of Shri Munna Lal was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were sent to the parties. The parties appeared. On 8th April, 1981 the last date of hearing, the representative of the workman Shri R. L. Sharma made a statement in this court that he had no instructions from the workman concerned despite to his informing him in this case. He further stated that he was no more interested in the dispute and did not want to pursue this reference now. He also stated that he had withdrawn this reference. On the other hand, the partner of the respondent management Shri Dil Bag Singh stated that the concerned workman Shri Munna Lal had never previous employee with the respondent Company.

As neither the workmen himself nor his authorised representative were interested in pursuing the dispute, therefore, I give my award that there exists no dispute between the parties on the issues referred to this court for adjudication. I thus answer the reference while returning the award in these terms. No order as to costs.

The 13th April, 1981.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

Endorsement No. 908, dated 1st May, 1981.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 9(1)-81-8Lab/5233.—In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s M. S. Enterprises 5D/107, NIT, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 445 of 1980

between

SHRI KHEM KARAN, WORKMAN AND THE MANAGEMENT OF M/S. M. S. ENTERPRISES 5D/107, NIT, FARIDABAD.

Present :

Shri R. L. Sharma, for the workman.
Shri N. R. Sharma, for the management.

AWARD

This reference No. 445 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,— vide his order No. ID/FD/92-80/49720, dated 17th September, 1980, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Khem Karan workman and the management of M/s. M. S. Enterprises, 5D/107, NIT, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Khem Karan was justified and in order, ? If not, to what relief is he entitled?

On receipt of the order of the reference, notices were sent to the parties. The parties appeared. On 8th April, 1981 the last date of hearing, the representative of the workman Shri R. L. Sharma made a statement in this court that he had no instructions from the workman concerned despite his informing him in this case. He further stated that he was no more interested in the dispute and did not want to pursue this reference now. He also stated that he had withdrawn this reference. On the other hand, the partner of the respondent management Shri Dil Bagh Singh stated that the concerned workman Shri Khem Karan had never been an employee with the respondent Company.

As neither the workman himself nor his authorised representative were interested in pursuing the dispute, therefore, I give my award that there exists no dispute between the parties on the issue so referred to this court for adjudication. I thus answer the reference while returning the award in these terms. No order as to costs.

The 13th April, 1981.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

Endorsement No. 909, dated the 1st May, 1981.

Forwarded (four copies) to the Commissioner and Secretary to Government of Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.